

**ORDINANCE NO. 040617-52**

**AN ORDINANCE GRANTING VARIANCES FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF AN ADDITION IN THE 100-YEAR FLOODPLAIN, AND PROVIDING AN EXPIRATION FOR THE VARIANCE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Council has considered the factors for granting a variance from floodplain regulations prescribed by Section 25-12-3 Appendix Chapter 58, Article 8, Subsection D (*Variance Procedures*) of the City Code. Council finds that the variance granted by this ordinance is the minimum necessary to afford relief, is based on good and sufficient cause, and failure to grant the variance would result in exceptional hardship. Council further finds that the variance granted in this ordinance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**PART 2.** This ordinance applies to the construction of an addition to an existing residence at 2713 Cascade Drive within the 100-year floodplain, subject to Building Permit No. 04005964.

**PART 3.** A variance is granted from:

- (A) the restriction on construction in the 100-year floodplain prescribed by Section 25-7-92 (*Encroachment On Floodplain Prohibited*) of the City Code; and
- (B) the requirement that new buildings provide an enclosed refuge space one foot above the elevation of the 100-year floodplain prescribed by Section 25-12-3, Building Code Appendix Chapter 59, Section 5905, (*Provision of Safe Refuge*); and
- (C) the requirement that nonconforming uses not be altered in a way which increases its nonconformity prescribed by Section 25-12-3, Building Code Appendix Chapter 59, Section 5903 (*Nonconforming Uses*).

**PART 4.** If the project for which this variance is granted does not receive all necessary building permits on or before June 17, 2005, this variance expires.

**PART 5.** Approval of this variance does not constitute approval of zoning, subdivision, a site plan, a building permit, or any other development permit, and it does not constitute

a commitment to any particular land use, intensity of land use, or utility services. Approval of this variance does not constitute a guarantee of flood insurance availability, rates, or requirements.

**PART 6.** This ordinance takes effect on June 28, 2004.

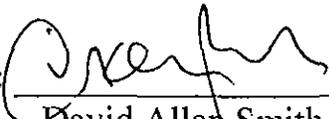
**PASSED AND APPROVED**

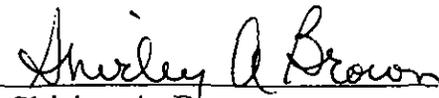
\_\_\_\_\_ June 17 \_\_\_\_\_, 2004

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Will Wynn  
Mayor

**APPROVED:**   
\_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:**   
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Shirley A. Brown  
City Clerk